

REFERENCE TITLE: justice courts; fees

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1140

Introduced by
Senator Paton

AN ACT

AMENDING SECTION 22-281, ARIZONA REVISED STATUTES; RELATING TO JUSTICE COURTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
 2 Section 1. Section 22-281, Arizona Revised Statutes, is amended to
 3 read:

4 22-281. Fees and deposits

5 A. Justices of the peace shall receive fees established and classified
 6 as follows in civil actions:

7 Class	Description	Fee
8 A	Initial case filing fee	
9	Civil filing fees	\$ 65.00
10 B	Subsequent case filing fee	
11	Civil filing fees - defendant	\$ 35.00
12 C	Initial case filing fee	
13	Forcible entry and detainer filings	\$ 30.00
14	Small claims filing	23.00
15 D	Subsequent case filing fee	
16	Small claims answer	\$ 13.00
17	Forcible entry and detainer	
18	filings - defendant	16.00
19 E	Minimum clerk fee	
20	Document and transcript transfer on appeal	\$ 24.00
21	Certification of any documents	24.00
22	Issuance of writs	24.00
23	Filing any paper or performing any act for	
24	which a fee is not specifically prescribed	24.00
25	Subpoena (civil)	24.00
26	Research in locating a document	24.00
27	Seal a court file	24.00
28	Reopen a sealed court file	24.00
29	Record duplication	24.00
30 F	Per page fee	
31	Copies of any documents per page	\$ 0.50
32 G	Special fees	
33	Small claims service by mail	\$ 8.00

34 B. This section does not deprive the parties to the action of the
 35 privilege of depositing amounts with the justice, in addition to those set
 36 forth in this section, for use in connection with the payment of constable's
 37 and sheriff's fees for service of process, levying of writs and other
 38 services for which fees are otherwise provided by law.

39 C. Excluding the monies that are kept by the court pursuant to
 40 subsection D of this section, justices of the peace shall transmit monthly to
 41 the county treasurer all monies collected pursuant to subsection A of this
 42 section. The county treasurer shall distribute or deposit all of the monies
 43 received pursuant to this subsection as follows:

1 1. To the state treasurer for deposit in the judicial collection
2 enhancement fund established by section 12-113, in the following percentages:

3 (a) 14.02 per cent if the county treasurer is serving in a county with
4 a population of more than five hundred thousand persons.

5 (b) 15.58 per cent if the county treasurer is serving in a county with
6 a population of five hundred thousand persons or less.

7 2. To the state treasurer for deposit in the alternative dispute
8 resolution fund established by section 12-135, in the following percentages:

9 (a) 1.84 per cent if the county treasurer is serving in a county with
10 a population of more than five hundred thousand persons.

11 (b) 2.05 per cent if the county treasurer is serving in a county with
12 a population of five hundred thousand persons or less.

13 3. To the elected officials' retirement plan fund established by
14 section 38-802, either of the following percentages, which shall be
15 distributed to the fund pursuant to section 38-810:

16 (a) 23.79 per cent if the county treasurer is serving in a county with
17 a population of more than five hundred thousand persons.

18 (b) 15.30 per cent if the county treasurer is serving in a county with
19 a population of five hundred thousand persons or less.

20 4. To the county general fund, in the following percentages:

21 (a) 54.22 per cent if the county treasurer is serving in a county with
22 a population of more than five hundred thousand persons.

23 (b) 60.26 per cent if the county treasurer is serving in a county with
24 a population of five hundred thousand persons or less.

25 D. In counties with a population of more than five hundred thousand
26 persons, 6.13 per cent of the monies transmitted pursuant to subsection C of
27 this section shall be kept and used by the court collecting the fees in the
28 same manner as the seven dollars of the time payment fee prescribed by
29 section 12-116, subsection B.

30 E. In counties with a population of five hundred thousand persons or
31 less, 6.81 per cent of the monies transmitted pursuant to subsection C of
32 this section shall be kept and used by the court collecting the fees in the
33 same manner as the seven dollars of the time payment fee prescribed by
34 section 12-116, subsection B.

35 ~~F. The supreme court may increase the fees prescribed in subsection A
36 of this section in an amount not to exceed the per cent of change in the
37 average consumer price index as published by the United States department of
38 labor, bureau of labor statistics between that figure for the latest calendar
39 year and the calendar year in which the last fee increase occurred.~~